SPECIAL REPORT
OF THE
OMBUDSMAN FOR ALBERTA

Re: INVESTIGATION OF A COMPLAINT
AGAINST THE
SOCIAL CARE FACILITIES REVIEW COMMITTEE

September, 1982

INTRODUCTION

On October 2, 1981, I received a letter from two persons who requested that I review a report issued by the Social Care Facilities Review Committee into allegations of abuse at the Horizons Unlimited workshop in Wetaskiwin. The workshop, operated by the Wetaskiwin and District Association for the Mentally Retarded, is a work activities centre and vocational training facility for mentally handicapped adults.

The Committee had issued the report as a result of a request from The Honourable Bob Bogle, Minister of Social Services and Community Health. In a letter dated July 28, 1981, the Minister referred to the fact that there had been allegations that trainees at the workshop had been abused. He asked the Committee to investigate those allegations and to review the operation of the facility. The Minister's letter is reproduced as Appendix A to this report.

Two members of the Social Care Facilities Review Committee were assigned responsibility for the investigation. Their findings were reflected in a report by the Committee to the Minister dated September 25, 1981. The report stated that the Committee had concluded that "insufficient evidence or substantiated information was found or made available" to the Committee members to enable them to find or confirm that physical abuse of trainees at Horizons Unlimited workshop had occurred as alleged. A copy of the report is reproduced as Appendix B to this report.

The report went on to recommend a review of certain policies of the Westaskiwin and District Association for the Mentally Retarded in several areas, including the philosophy of the Association, its personnel selection policy and its organizational structure, among others.

The complainants, who did provide information to the Committee members, were unhappy with the Committee's report. In their letter to me, they alleged that the Committee members involved were incompetent as investigators, uninformed as to rights and modern value issues regarding persons with handicaps and had preconceived ideas on the issue of abuse. They felt the real issue of abuse was covered up by discussions on personalities and subjects unrelated to the issue. They were concerned that they, the complainants, had spent 10 months gathering information on abuse, another person had spent 2 1/2 months checking their information, but it had taken the Committee only a month to do an investigation.

I think it is important to note that these allegations were brought to public attention only after one of the complainants left the employ of Horizons Unlimited. During the time that this conduct was allegedly occurring, there had been no efforts to contact anyone associated with the Department, any police agency or even the Social Care Facilities Review Committee itself. In addition, notes which were allegedly kept cataloguing such incidents were not available to the Committee or my office, as one of the complainants stated she had destroyed them. The delay in reporting these incidents, and the lack of this material which might have tended to act as corroboration of the incidents, seriously hampered the investigation of the Committee and myself.

When I received the complaint, I concluded that it was a matter within my jurisdiction and that I should accept the complaint for investigation. I advised the Committee Chairman, Dr. David Carter, of my intention to begin an investigation. He responded by asking that the matter be discussed with the Attorney-General, The Honourable Neil Crawford, at a meeting I had already planned with him. I did so and, on November 16, 1981, the Attorney-General advised me that he would not challenge my jurisdiction to proceed.

It should be noted that The Ombudsman Act authorizes me to investigate matters of administration by provincial government departments and agencies only. Thus, my investigation had to be limited to a study of whether the Social Care Facilities Review Committee had conducted an appropriate investigation. I was, and am, totally without jurisdiction to investigate facilities such as the Horizons Unlimited workshop and had the complaint been directed at that organization, I could have taken no action.

In this case, it was not within my mandate to conduct an investigation to determine if abuse had taken place. Rather, I had to be concerned with whether or not the Committee had engaged in an investigative process and obtained material such as to lend support and credibility to its conclusions. I was concerned with whether or not the Committee had fulfilled the mandate given it by the Minister of Social Services and Community Health to investigate the allegations of abuse and review the operation of the Horizons Unlimited Workshop.

FINDINGS

The allegations that trainees at the Horizons Unlimited workshop had been abused received a substantial amount of publicity. Three specific allegations had been raised in the media. One involved a woman who stated that she had been struck across the back with a board. A second dealt with a woman who was allegedly slapped by a staff member. The third allegation involved a statement that a young man had been forced to sit in a cloakroom for protracted periods of time and, in particular, on a day he was seriously ill.

It was clear that the request from the Minister would require the Committee members to review these cases. However, early in the investigation, when the Committee members met with the two persons who later complained to me, an additional eight allegations of abuse -- physical or verbal -- were mentioned to the two Committee members who were charged with conducting the investigation.

The Committee's report to the Minister did not address any of these additional allegations.

It must also be noted that the Minister's request sought a review by the Committee of the operation of the workshop. The 11-page report which the Committee presented to the Minister cannot be said to have provided information which I would think would normally flow from a review. The report spent eight pages discussing the three reported allegations of abuse. It then spent one page discussing, very briefly, the reporting relationship of some staff members of the Wetaskiwin and District Association for the Mentally Retarded, the motivation of the persons who complained to me and some problems involving the Board of Directors. The Committee then went on to make four recommendations. The first suggested the Board of Directors "review, update and improve its organization's policy and practices in the areas of purposes and

philosophy of the Association, personnel selection and personnel policies, organizational structure, job descriptions, grievance procedures, performance appraisals, program needs and trainee selection."

I find it somewhat difficult to comment on these recommendations, simply because there is nothing in the report that explains why these recommendations were made. I do not think that the recommendations, in themselves, constitute a review of the operation of the workshop.

In my view, the parameters for the investigation were too narrowly drawn by the two Committee members involved. There can be no question but that once the eight additional allegations were made to them, they should have inquired into the matters and sought out whatever evidence was available. From interviews with the Committee members, I know that they had some concerns as to the type of trainees who were within the workshop, but those concerns were clearly not brought to the Minister's attention in the Committee's report.

When the Committee members were asked why certain matters were not discussed in the report, they pointed out to me that they had made nine unannounced visits to the workshop and interviewed 50 people. They told me that they felt that they had to draw a line somewhere in deciding whether to prolong the investigation. Although I can accept that some limitations may be necessarily drawn on the extent of an investigation, those limitations must be reasonable under the circumstances. I have already discussed my feeling that the Committee did not fully respond to the request sent by the Minister. I will discuss later in this report my findings that the Committee members did not look for, and thus did not find, information which was readily available and which was clearly relevant to the matters under investigation.

I must also express concern as to the degree of evidence the Committee members felt was necessary before making any comment. In interviews my staff had with the Committee members, one indicated on several occasions that there was not enough evidence of abuse to lay charges. and gave me the impression that he felt he was conducting an investigation which required him to obtain the same sort of evidence that would be necessary to support such charges. With respect, I do not see criminal investigations as the role of the Committee as contemplated by its establishing legislation, nor do I think it an appropriate role for the Committee. I am assured that the Committee agrees. Such investigations are properly the responsibility of law enforcement agencies, working in conjunction with the Department of the Attorney General. While I can appreciate that the Committee wanted to be sure before making any statements that abuse had taken place, the Committee is not bound by the same rules of evidence as a criminal court, or even a body which is responsible for criminal investigations.

I now turn to a consideration of the allegations of abuse that were considered by the Committee members and by my investigation.

In dealing with allegations of assault or abuse, one often finds that the victim gives one version, and the alleged perpetrator gives an entirely different version. In such cases, it is mandatory that the allegation be supported by some independent person or piece of evidence. One cannot accept either the charge or the denial on its face. Such is certainly the case in this investigation. Before I make any statement that abuse did or did not take place, I require some type of corroboration. This is not to say that I insist on having the evidence of another witness. Often, documentary evidence will provide the necessary degree of corroboration. At other times, certain other circumstantial evidence will provide corroboration.

Allegation #1

The first case considered by the Committee members involved an allegation that a staff member struck a trainee across the back with a board. The supervisor denied the allegation. There is evidence of the trainee's sister-in-law, with whom the trainee lived, that she did see a bruise on the back of the trainee. When the trainee was taken to a doctor several weeks later, he noted that the area was tender and sore. However, this simply goes to show that the trainee did suffer an injury to the back. It does not tell us how that injury occurred. A witness named by the complainants provided inconclusive evidence. Other witnesses named by the trainee-witness denied seeing anything of this nature. The victim herself provided conflicting stories. There were irreconcilable conflicts in other evidence that might have tended to provide some corroboration. The Committee report made too much of the fact that the alleged victim and the trainee-witness described differently the instrument used to strike the trainee. Such differences do not, in themselves, prove or disprove the allegation.

Nonetheless, I am satisfied that there are enough discrepancies in material areas that it would be impossible to corroborate the allegation of abuse, and therefore, I agree with the Committee's conclusion.

Allegation #2

This allegation involved the question of whether a supervisor slapped a trainee across the face. The evidence of the alleged victim was far from satisfactory. Once again, the story changed considerably during the course of the interview my investigator had with her. Two persons said they were standing outside the door of the room in which the slapping was alleged to have occurred. One stated that she heard

the sound of a slap. The other said she did not. **I agree with the Committee's conclusion that there was insufficient evidence to indicate that this incident of alleged abuse took place.**

Allegation #3

This allegation involved a trainee who, according to the complainants, was forced, while he was ill, to sit for a long period of time in the workshop cloakroom, a room five feet by ten and a half feet with no door. There appears to be little doubt but that on the date in question, the young man spent some time in the cloakroom, although the length of the stay was the subject of varying estimates. But there is also evidence that the young man spent a considerable time in the same room on other occasions, by his own choice. I am convinced the Committee members did not have certain documentary evidence which was clearly relevant and available to them concerning this particular incident.

One of the documents indicated that the young man spent the whole day in the cloakroom as he was sick. Although the documentation, which was readily available to me and to the Committee members, does not provide any substantiation of an allegation of abuse, it does provide useful and clearly relevant information. In conclusion, **I agree with the Committee's report that there does not exist sufficient evidence to indicate that this trainee was abused in any sense of that word.**

Nonetheless, there was evidence that on this particular day, the trainee was feeling ill, and we know for a fact that the next day, he was admitted to hospital for treatment of a medical condition which is not related to any incident. In my view, there was an onus on the Committee to clearly address itself to this evidence, and to draw

conclusions and make findings of fact. I think the Committee also had an obligation to comment on the issue of whether the trainee should be allowed to spend as much time as he did in the cloakroom, whether it was by his own choice or not.

However, the information which I have certainly raises questions as to whether the trainee was appropriately placed at the Horizons Unlimited workshop, and even on the basis of the information the Committee members had, the same questions should have been raised in their minds. We do have the rather nebulous reference to the need for the Association to review its policies regarding trainee selection, but I believe that the case of this young man alone justified some comment in the Committee's report, particularly since the Committee members were also supposed to be conducting the "review" spoken of in the Minister's letter.

Additional Allegations

As discussed above, when the two persons who subsequently complained to me met with the Committee members, they provided information which, they felt, constituted evidence of abuse additional to those which had been made public. I have mentioned that the Committee's report does not address these additional allegations and, as a result, the same allegations were raised in the complainants' letter to me. I felt that the matters needed to be reviewed, and I did so.

The allegations involved several accusations against the same supervisor. They included charges that the supervisor had:

--verbally abused the same trainee who was allegedly slapped (Allegation #2 above);

--frightened and demoralized a trainee to the point where the trainee was frequently absent as a result;

--told a trainee she could not buy a ceramic cup, a privilege of the trainees at the workshop;

--reduced a trainee to tears over what was seen as a poor performance in cleaning an office;

--harassed a trainee to the point of self-abuse, because the trainee was upset over a cheque which had not arrived. This same trainee was allegedly unsuitably reprimanded by the supervisor for not marking her program charts properly.

--did not deal properly with a trainee's personal hygiene problem, rather embarrassing the trainee in front of others;

-verbally abused a trainee for getting ready too early for a hair appointment; and

--withdrew a trainee's bowling privileges as a form of discipline.

Each of these allegations was fully investigated by my staff and only one could be substantiated. I **am satisfied that the supervisor was guilty of verbally abusing the trainee who had been upset by the late arrival of a cheque.** Indeed, the supervisor herself conceded that her verbal treatment of trainees was, at times, improper.

None of the other cases could be corroborated. In most cases, there were no witnesses to the incidents or, where there were witnesses, they did not give the evidence which the complainants felt they would give.

The Committee members stated that they did not feel the need to deal further with the conduct of the supervisor and the pattern of verbal abuse, because the matter had been dealt with by the Association's Board of Directors and the manager of the workshop. Since this is, as I have discussed, an area over which I do not have jurisdiction, I will not express an opinion on that matter.

I do not believe that the Committee members, in their report, paid enough attention to the issue of verbal abuse. I have discussed, in my Special Report into allegations of patient abuse at Alberta Hospital, Edmonton, my feeling that verbal abuse <u>is</u> abuse and <u>is not</u> acceptable. I incorporate, by reference, my feelings, as expressed in that report, regarding the definition of abuse which should be adopted, in workshops such as Wetaskiwin, as well as facilities which are operated directly by the Department of Social Services and Community Health. That definition is set out in Appendix C to this report.

Other than a pattern of verbal abuse by this one supervisor, I have not been able to find any evidence that would substantiate allegations of abuse. While the complainants might well have felt that the abuse was confirmed by things they heard, I cannot accept rumours as evidence. Although sometimes, such rumors may provide an indication of an area which requires investigation, they do not, in themselves, prove that anything occurred.

Accordingly, I find myself in agreement with the Committee's conclusions that insufficient evidence exists to confirm allegations of physical abuse of trainees by the staff of the Horizons Unlimited workshop.

However, that does not imply that I completely support the Committee's investigations or its methods. I have already mentioned

the fact that the Committee's report was deficient in several respects, including the fact that it failed to conduct the "review" requested by the Minister and failed to address the additional allegations of abuse which had been brought to the attention of the Committee members.

The Committee's methods concern me. As noted, they did not seek out information which was readily available, and clearly relevant. Although the Committee members did seek out certain witnesses, I do not believe that they went to the proper lengths to seek out additional people who might have relevant information. They told me they felt they had made themselves "available" to anyone who wished to talk to them. While I would agree that such availability should exist, it should exist in addition to, and not instead of, determining the persons who need to be interviewed.

The complainants raised a number of specific complaints against the Committee's methods and attitude. In many cases, those complaints are subjective. In others, the Committee made a judgment regarding the procedure it would use, and I am not prepared to say that the judgment was wrong, other than those involving matters which I have discussed earlier.

I must recognize that the Committee members are not trained investigators. Had they been, my feelings about the nature of the investigation might have been more strongly stated. I do have some concerns about investigations of the kind required in this case being conducted by persons without expertise in the field of investigations but this is a matter for the Legislature to consider, and is not properly the subject of any further comment by me.

JURISDICTIONAL CONCERNS

During the course of my investigation, it was necessary to review, in detail, the provisions of the Social Care Facilities Review Committee Act. As a result of that review, I have reservations about the word "facility" including an operation such as the Horizons Unlimited workshop. The Act is reproduced as Appendix D to this report.

According to a bulletin of Horizons Unlimited, entrance criteria include the stipulation that a candidate must be 18 years of age and over, and the goal of the vocational training centre is stated as, in part, "to provide within the scope of a regular work situation, vocational training to mentally retarded adults...". It can be argued that the workshop does not do more than provide employment training for mentally handicapped adults and is not, in particular, a place of care for persons who are aged or infirm or who require special care. It certainly does not fit within the meaning of the remainder of the definition section of the Social Care Facilities Review Committee Act. Given the present wording of the Act, I feel the Minister should take under consideration the issue of whether it has jurisdiction to review the operation of or investigate a complaint from a place such as the Horizons Unlimited workshop, and, if necessary, seek clarification from the Legislative Assembly.

The next issue I had to consider was the curious results arising from the wording of Sections 7 and 8 of the Social Care Facilities Review Committee Act. It would seem that the Act distinguishes between a "visit" and an "investigation". Under Section 7 it would appear a facility may be visited for the purposes of reviewing and inspecting it and the manner in which it is operated. Under Section 7 as well, the Minister may from time to time request the

Committee to conduct a visit to the facility for the purposes of reporting on any matter that he may specify in his request. However, because the purpose of a visit is limited by Section 7 to a review and inspection of a facility and the manner in which it is operated, the Minister's request must not, by implication, exceed the scope of a visit. The Minister can only request, under Section 7, the Committee to report on a matter which relates to the manner in which a facility is operated.

Section 8 of the Act refers to an investigation and authorizes the Committee, if a complaint is made to the Committee by or on behalf of a person in a facility, to investigate the care and treatment and the standards of accommodation received by that person or any person in that facility. Section 8 does not include a provision allowing the Minister to request the Committee to investigate any matter that the Minister may specify in his request. The Committee can conduct an investigation under Section 8 only if it receives a complaint by or on behalf of a person in a facility, and not from the Minister. One can only assume that if the Legislature had intended that the Minister could act on behalf of a person for the purpose of requesting an investigation, it would have said so; otherwise there would not have been any need to make specific reference to the power of the Minister to request a visit and make no mention of the power of the Minister to request an investigation. The Minister may wish to consider this seeming anomaly in the legislation.

Also arising from the wording of Sections 7 and 8 of the Act is the question of whether the authority to "investigate the care and treatment and the standards of accommodation received by that person or any other person in that facility" includes the ability to investigate issues of abuse. One should not assume that complaints relating to care, treatment and standards of accommodation, by virtue of their nature, include allegations that persons in a facility are being

abused. Under Section 10 the committee is precluded from reviewing the medical or clinical records of a person unless that person or his guardian gives his consent to those records being inspected. It is difficult to understand how an allegation of abuse could be properly investigated without access to these records. The legislation does not contain a provision such as is present in the Ombudsman Act which empowers the Committee to require information from any person whom it feels has information to provide, nor a provision which allows the Committee to subpeona an uncooperative person. During the course of my investigation, it was brought to my attention that an individual had declined an interview with the Committee and the Committee was not in a position to require that person's attendance. Nothing in the legislation specifically authorizes the Committee to question persons in the facility, let alone outside of it.

The authority of the Committee to investigate allegations of abuse should be considered by the Minister, with recourse to the Legislature for clarification, if necessary. It is not my place to determine whether amendments to the Act are necessary nor, even if it were, would I be prepared in the circumstances of this case, to make any recommendations that the authority of the Committee be extended.

CONCLUSIONS

I have already indicated that I agree with the Committee's conclusions, even though they were based on incomplete information and resulted from methods which cause me a great deal of concern.

Any time there is an allegation of abuse of a person who is unable to care for himself or herself, it is serious, and it deserves full investigation by persons who are trained in gathering and evaluating evidence. It requires the investigator to enter with an open mind and to look in all reasonable areas for information which tends to prove or disprove the allegations.

I believe some comment is necessary on what I regard as the proper role of the Social Care Facilities Review Committee. I believe that the Committee can provide a vital public service by conducting visits of facilities as that term is defined in the establishing legislation. I do not believe that the Committee, as currently constituted, has the necessary staff or expertise to conduct investigations in the same manner as, for example, my office, even though the type of allegations are very similar.

I also wish to comment on the nature of my investigation. As with the case of the Ministerial Order requesting me to investigate allegations of patient abuse at Alberta Hospital, Edmonton, this review of the report of the Social Care Facilities Review Committee has put me in the position where I am investigating an investigation, rather than the substantive issues. Particularly where, as here, the substantive issues are essentially outside my jurisdiction, this creates a very fine line which must be watched and which can, if not closely observed, serve as an impediment to the type of investigation I believe the Legislative Assembly intends the Ombudsman to carry out.

The report of the Social Care Facilities Review Committee was precipitated by a Ministerial request. Even had the Minister felt that an investigation by my office was to be preferred, he could not make such a referral because of the wording of my Act which limits even such requests to matters which are clearly within my jurisdiction. It is with this in mind that I intend to raise with the Select Committee on Legislative Offices the question of whether The Ombudsman Act should be amended to allow for a Ministerial Order within the Minister's area of responsibility even if the subject-matter of the request would ordinarily be beyond the jurisdiction of the Ombudsman. Such a course of action would be, I suggest, far more reasonable than to continue to have the Ombudsman investigate investigations.

APPENDIX A

SOCIAL SERVICES AND
COMMUNITY HEALTH

Office of
the Minister

July 28, 1981

Dr. David L. Carter, Chairman
Social Care Facilities Review Committee
10030 - 107 Street
EDMONTON, Alberta

Dear Dr. Carter:

A number of allegations have been made claiming abuse of mentally retarded clients at the work activity centre and vocational training workshop operated by Horizons Unlimited at Wetaskiwin.

The President of Horizons Unlimited is Mr. Ed Ruff and the address and telephone number of the facility is Wetaskiwin and District Association for the Mentally Retarded, P.O. Box 6028, Wetaskiwin, Alberta, T9A 2E8, 352-6096.

I would appreciate it if members of your Committee would carry out an investigation of the allegations and undertake a review of the operation of this facility as soon as possible.

I will look forward to receiving your report on this matter.

Yours truly,

(sgd) Bob Bogle

Bob Bogle

APPENDIX B

ALBERTA

SOCIAL CARE FACILITIES
REVIEW COMMITTEE

September 25, 1981

The Hon. R.J. Bogle
Minister of Social Services
and Community Health
Room 424 - Legislative Building
109 Street and 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Mr. Minister:

In response to the request contained in your letter of July 28, 1981, (names of two persons), members of the Social Care Facilities Review Committee travelled to Wetaskiwin the following day to commence their enquiry into allegations of abuse of trainees at Horizons Unlimited, in Wetaskiwin. During this enquiry our committee members made 9 unannounced visits to Horizons Unlimited. They interviewed 50 people who were interested or involved and carefully examined documents and information relating to the matters under review.

A 57 year old trainee claimed that she was hit in the back with a board by a supervisor.

A 22 year old former trainee now employed in a training capacity in Red Deer, accused a supervisor of slapping her in the face.

A newspaper report alleged that a seriously ill man was forced to spend a day in a closet.

The former office manager of the Wetaskiwin and District Association for the Mentally Retarded had been fired from her position by a majority vote of the Board of the Wetaskiwin and District Association for the Mentally Retarded on the recommendation of the Adult Services Committee. She gave a report to the press because she felt that the Board had not dealt thoroughly enough with her complaints. A supervisor who agreed with the former office manager in the action she had taken, resigned her position at Horizons Unlimited in support of her friend.

The committee members interviewed these two ladies in the home of one of them where they had an opportunity to inform them directly regarding their concerns and complaints.

A large cross section of persons connected directly or indirectly with Horizons Unlimited were interviewed. Persons interviewed included the former President of the Board of the Wetaskiwin and District Association for the Mentally Retarded and several Board members. The former President said that during the past two years when he served as President, he had not received one complaint from a parent or trainee.

Our members interviewed the manager, shop foreman and all four supervisors at Horizons Unlimited, and the chairman and two members of the Adult Services Committee, (a committee of the Board of the Association). Contacts were also made with two adult residence supervisors and two former principals of a retarded children's school. Our members also met with the President and Executive Director of the Alberta Association for the Mentally Retarded.

Our members did not use a tape recorder when interviewing people. Several said they had previously been taped by a newspaper reporter.

Complaints in writing, files and various documents relating to the matters under review were perused by our members. They made extensive enquiries with respect to the allegations of abuse hoping to obtain as much information as possible. Much of the information provided to them was not verified; some particulars and comments were contradictory, doubtful or of a hearsay nature.

Twenty-two trainees were interviewed in private offices at Horizons Unlimited in Wetaskiwin and at Centra-Cam (Rehabilitation Workshop) in Camrose or at their homes. Several were asked if they had any objection to being interviewed at the facility and each said no, indicating that this arrangement was quite all right with them. Several trainees now attending Centra Cam formerly attended Horizons Unlimited. All trainees were given ample time and opportunity to express their and views and opinions make comments about their experiences and the way they were treated at Horizons Unlimited.

They talked to our members in a relaxed and interesting manner, expressing themselves in their own way. They commented about the projects they were involved in and freely referred to staff members and other trainees. Many comments, mostly favourable were made by trainees about the members of the staff. One trainee said a supervisor yelled at her and was impatient with her. Another trainee said what she was required to do was monotonous, repetitious work. A few trainees complained about other trainees arguing on the bus and making a nuisance of themselves. They said that the bus driver asked them to be quiet. One trainee at Centra Cam said he "would like to go back to Horizons Unlimited." One trainee

at Horizons Unlimited said, "I am learning many things; I am kept busy and they don't work me too hard." Another said, "I get along well with staff and trainees and have no problems here."

Reference was made during the interviews to newspaper articles and complaints from former employees. Each of these trainees was asked if he or she had ever been hit by a supervisor and each said no. They were also asked if they had ever witnessed anyone being hit by a supervisor and each said, no. One young man said, "if ever I get hit, I will hit back." One trainee said that when she heard of the newspaper articles, she felt that they could not possibly refer to Horizons Unlimited. The general feeling expressed by these trainees was that they are content, well treated and happy to be in an active environment where they can learn skills. Several said they are looking forward to going to employment in industry as others have done in the past.

In addition to the trainees referred to above, three other trainees who were reported to have been mistreated at Horizons Unlimited were interviewed.

ONE IS A 57 YEAR OLD FEMALE TRAINEE WHO SAID SHE HAD BEEN HIT ON HER BACK WITH A FLAT BOARD.

In early November of 1980, the trainee's sister-in-law called a social worker in Camrose and told her that the trainee who lives with her said she had been hit by an employee at Horizons Unlimited. The social worker responded to the call and visited the home to obtain more information. The social worker passed the information she obtained on to an employment opportunities worker from the Camrose office of Social Services and Community Health who lives in Wetaskiwin and often visits Horizons Unlimited, to convey the complaint to the manager. The manager upon receiving this complaint, telephoned the sister-in-law in regard to the complaint. The supervisor admitted hollering at the trainee but denied hitting her. The attitude and performance of this supervisor was referred to the Adult Services Committee and the Board. On November 6, 1980, the manager reprimanded the supervisor and warned her about this kind of unacceptable behaviour. The remedial action taken by the Board and the Manager with respect to the attitude and performance of this supervisor apparently did not satisfy the former employees who complained in March of 1980. One of them told our members that the entire staff should be fired. The former employees did not inform the Social Care Facilities Review Committee or the Alberta Association for the Mentally Retarded about their concerns.

This trainee was interviewed at her home in Camrose in the presence of her sister-in-law. She named a female supervisor and said

she saw the supervisor swing a flat board and hit her across the back. She said it was a flat board about 18 inches long with no printing on it and it was kept at Horizons Unlimited for hitting kids. She said that she never saw anyone else being hit with this board. She indicated to us that she was glad to be away from that supervisor. Her sister-in-law said she saw the bruise on her back. It was blue and discoloured and covered quite a large patch. It looked as though she had been kicked. The trainee went to bed the next day and stayed there for two or three days. As she was not eating, her sister-in-law took her to a doctor but was not sure which doctor she took her to. In any event, it was one of two doctors she named. She said the doctor told her it was bruised and would get better. A social worker from the department of Social Services and Community Health in Camrose said that the trainee's sister-in-law told her that the doctor said he could not see any injuries. The doctor told our committee member that he examined the trainee when she came to see him in October 24, 1980 and saw no sign of a bruise or mark on her. He told her she could go ahead with full activitiy (sic).

Two or three weeks later, she took the trainee to a chiropractor as she had back problems previously. The trainee's sister-in-law was not sure if anyone witnessed the trainee being hit. She told our members that the trainee changes her story all the time. She said she had to be very firm with her when she says she is not going to do this or that. She noted that she has had more problems with her since she has been attending Horizons Unlimited and she is "downright miserable at times." She also said, "that stories about this have been blown out of proportion." She also recalled that about two years ago a young person hit her on the bus and three or four years ago she fell and broke a tooth. Apparently the younger trainees teased her a lot and she became frustrated.

The supervisor whom the trainee named, was interviewed on three occasions and emphatically denied having hit her with a board or with anything. One of the complainants who resigned from the position of supervisor at Horizons Unlimited, told us that a high functioning trainee formerly of Horizons, witnessed the striking of the 57 year old trainee. The members then visited this 19 year old trainee at her home in Camrose and interviewed her in the presence of her mother. This girl said she saw the supervisor hit the trainee across the back with a plain round wooden stick about 14 inches long. As this information differed from a previous statement we heard about the stick, she was asked to describe it again. She said it was a plain round stick about 14 inches long and was used for mixing mud. She said she saw the trainee being struck with the round stick.

The 19 year old trainee also said that three trainees at Horizons Unlimited and a former supervisor witnessed the striking of the older trainee. She named the three trainees and the former supervisor who had resigned. Each of these three trainees was

interviewed privately and each one denied having seen the trainee being hit with a stick. The former supervisor named as a witness, had previously been interviewed and denied seeing anyone hit the trainee.

The trainee's sister-in-law has cared for her for eight years; the trainee attended Horizons Unlimited during that time. It was noted that mud used in the ceramics department is mixed with an electric mixer in a long trough. The manager denied that a flat board for hitting kids was ever kept at Horizons Unlimited.

A 22 YEAR OLD FEMALE TRAINEE SAID THAT A SUPERVISOR SLAPPED HER IN THE FACE WITH HER HAND.

The trainee was interviewed by our members at the group home in Red Deer where she presently lives. Her official guardian was in attendance. She said she had been at Horizons for 2 or 3 years. She said, "I sort of like it there but I like it where I am now where I get paid more." She also said "I didn't like it one bit at Horizons - there are too many bosses. I know the manager, she is not bad." Later on she said she did not like her too much. She was asked if she ever had any concerns or problems at Horizons Unlimited, and she said, "not really, just ups and downs." "I had to sit in a corner once and was sent home." She did not mention being slapped until asked by a committee member, then she said that a supervisor whom she named slapped her in the face. She also said that the supervisor said she would like to push her teeth in. She said she got slapped because she would not do what she was supposed to do. There were no witnesses, "just her and I alone." She told our members that her parents used to slap her a lot, "it was awful, but they don't do it anymore (sic)." "My parents like me and I like them. I don't remember telling anyone about being slapped. I didn't tell my parents but I will sometime." The house parents where this girl lived said she did not report this incident to them until some considerable time later. The supervisor denied having slapped her. She said she suspected this girl may have been coached.

ANOTHER ALLEGATION WAS THAT A SERIOUSLY ILL MAN WAS FORCED TO SPEND A DAY IN A CLOSET.

The closet referred to is a cloak room five feet by ten and a half feet long, closed on three sides with no door or door frame on the front. It is used as a cloak room for coats and lunch pails. Janitorial equipment is sometimes stored in it, and Board of Industrial Relations posters are displayed on the bulletin board on one wall.

The two members visited this young man in his home and interviewed him in the presence of his mother. This trainee had attended Horizons Unlimited for a period of 2 years. His mother said she was most disturbed about her name being in the newspaper. She said she didn't know who went to the reporter, but it is disgusting. She said her son was overweight and an effort is being made to keep his weight down. She said the staff at Horizons Unlimited didn't watch him at coffee breaks and they let him buy junk food. He would sometimes get sick. She could not remember if he was ill before he went to work, but he did complain about his stomach. We were told by employees that this trainee drank several cans of tomato juice on the day in question, December 31, 1980. The young man's mother said that day when he came home, she thought he had the flu. She phoned the doctor and took him to the hospital to see him the next day. His mother said that the doctor diagnosed his ailment as a pancreatitis and kept him in hospital for two weeks.

His mother was asked her opinion of Horizons Unlimited and she replied, "I don't know for sure, I haven't got much to say. My son used to say he was mistreated there but I don't know much about it. I was kind of wondering if they were using the trainees as a scapegoat. My son has a temper and at times he flares up." This young man was lazy according to an employee and preferred to sit in the cloak room and watch others work. He was occasionally abusive and would throw things around the shop. He said he told the supervisor that he wanted to go into the cloak room as he was weak all over. He said that the supervisor told him to get to work.

This young man was asked if he had ever been put in the cloak room by an employee. He gave no answer.

Two supervisors in the shop said he was not sent into the cloak room as a penalty. One supervisor got him a chair and he sat there for an hour before bus time at 4 p.m.

****

In the course of this enquiry, it became evident to the Social Care Facilities Review Committee members that conflict had existed among the staff at Horizons Unlimited. This included personality problems, jealousy, mistrust, tension and rivalry.

One staff member reported to the manager for secretarial and receptionist duties, and to the president of the Association for duties as office manager of the Association. The arrangement in this case was evidently unsatisfactory. The personnel situation improved following staff changes according to two former board members. One former board member said that the complaint to the press by two former employees was a "vindictive act." Two of the present employees described the action of the complainants as a "vengeance thing." Like many other comments

heard by our committee members, these were regarded as unsupported personal opinions. Some persons interviewed wondered why it took the complainants so long to lodge complaints.

Former board members who were critical of the performance of the board in the past, pointed out the poor attendance at meetings and that differences existed regarding the handling of complaints, the operation of the facilities, and the association objectives. Some board members resigned, or expressed a wish not to be re-appointed. A new 11 person board was established on August 18, 1981.

Our members noted during interviews that a divergence of opinion seemed to exist among members of the Wetaskiwin and District Association for the Mentally Retarded regarding normalization.

The Social Care Facilities Review Committee members have concluded that insufficient evidence or substantiated information was found or made available to them, to enable them to find or confirm that physical abuse of trainees at Horizons Unlimited occurred as reported.

We believe that both the Alberta Association for the Mentally Retarded and the Alberta Association of Rehabilitation Centres have a responsibility and a willingness to advise and assist organizations operating facilities such as Horizons Unlimited.

****

We recommend that:

The recently elected Board of the Wetaskiwin and District Association for the Mentally Retarded review, update and improve its organization's policy and practices in the areas of:

Purposes and philosophy of the Association

Personnel selection and personnel policies

Organizational structure

Job descriptions

Grievance procedures

Performance appraisals

Program needs

Trainee selection

The Department of Social Services and Community Health provide consultative advice and assistance to the new board of the Wetaskiwin and District Association for the Mentally Retarded in connection with the areas noted above, and other areas with respect to the operation and management of facilities which the board may identify.

The Department of Social Services and Community Health review its incident reporting procedures to ensure that a thorough and dependable method of conveying information to the Assistant Deputy Minister of Rehabilitation Services is followed.

The Board of the Wetaskiwin and District Association for the Mentally Retarded request and take advantage of any resources and advice which the Alberta Association of Rehabilitation Centres is in a position to provide.

****

I wish to express the Committee's thanks and appreciation to the complainants, trainees, parents, board members, employees, the Department of Social Services and Community Health, and other persons for the excellent co-operation and assistance extended to our members during the course of this enquiry.

Yours truly,

(sgd) David J. Carter

Dr. David J. Carter, MLA
Chairman

APPENDIX C

PROPOSED DEFINITION OF ABUSE

Abuse is any activity which physically, mentally or emotionally causes injury, damage, undue discomfort, elicits fear or takes unfair advantage of a client and is not part of a specific written treatment plan or approach. This includes verbal and physical assault.

APPENDIX D

SOCIAL CARE FACILITIES REVIEW COMMITTEE ACT

CHAPTER S-15

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 In this Act,

(a) "Committee" means the Social Care Facilities Review Committee and includes a sub-committee established under section 3;

(b) "facility" means a place that is operated by or receives its current operating funds or part of them directly or indirectly from the Government of Alberta and that is

(i) a place of care for persons who are aged or infirm or who require special care,

(ii) an institution or shelter as defined in Part 2 of the Child Welfare Act, or

(iii) a hostel or other establishment operated to provide accommodation and maintenance for not less than 4 unemployed or indigent persons,

other than one that is defined as a hospital under the Health Facilities Review Committee Act or a correctional institution under the Corrections Act;

(c) "Minister" means the Minister of Social Services and Community Health.

2(1) There is hereby established a committee called the "Social Care Facilities Review Committee" consisting of not more than 12 members appointed by the Lieutenant Governor in Council.

(2) The members of the Committee appointed under subsection (1) may include members of the Legislative Assembly who are not members of the Executive Council.

(3) An order under subsection (1) appointing a member of the Committee may provide for his term of office but in the absence of that provision, the term of office of a member is one year from the effective date of his appointment and thereafter until his successor is appointed.

(4) The Lieutenant Governor in Council shall designate one of the members of the Committee as chairman and another as a vice-chairman and, unless the order otherwise provides, the term of office of a chairman or vice-chairman so designated shall be one year from the effective date of the designation and until their respective successors are thereafter designated.

(5) The vice-chairman shall be the acting chairman of the Committee in the event of the absence or inability to act of the chairman or a vacancy in the office of chairman.

3(1) The Committee may

(a) establish one or more sub-committees to perform any duties and functions and exercise any powers of the Committee prescribed by the Committee, and

(b) appoint as members of a sub-committee not less than 3 members of the Committee.

(2) When a sub-committee is established, the Committee shall designate a member of a sub-committee to preside over the sub-committee.

(3) A member of the Committee may be appointed to more than one sub-committee.

(4) A majority of the members appointed to a sub-committee constitute a quorum of the sub-committee.

(5) A decision or other action made or taken by a sub-committee at which its quorum is present is the decision or action of the Committee and binds all members of the Committee.

(6) Two or more sub-committees may act simultaneously.

(7) If a sub-committee is performing a duty or function or exercising its powers and one or more members of the sub-committee is absent during a portion of the time that the sub-committee is performing a duty or function or exercising a power, the remaining members of the sub-committee that are present may, if they constitute a quorum of the sub-committee, perform the duty or function and exercise the power of the sub-committee.

(8) Notwithstanding that a sub-committee is established under this section, the Committee may also perform any duty or function or exercise any power that it prescribed the sub-committee to perform or exercise.

4 The Lieutenant Governor in Council

(a) may prescribe the rates of remuneration payable to members of the Committee other than those who are employees of the Government or members or employees of an agency of the Government, and

(b) may authorize the payment of travelling and living expenses for members of the Committee while outside their normal place of residence in the course of performing their duties.

5(1) The Minister may appoint an employee of the Government under his administration as the Executive Director of the Committee who shall, under the direction of the chairman of the Committee, assist the Committee in carrying out its duties and functions and exercising its powers.

(2) The Minister shall provide to the Committee the services of employees of the Government under his administration and supplies for the purpose of carrying out secretarial, clerical and related work that the Committee may reasonably require to enable it to carry out its duties and functions and exercise its powers.

6 The Committee may, with the approval of the Lieutenant Governor in Council, make rules governing the calling of its meetings, the quorum required at its meetings, the procedures at its meetings and any other matter relating to the conduct of its business and affairs.

7(1) The Committee shall from time to time visit all facilities for the purpose of reviewing and inspecting them and the manner in which they are operated.

(2) The Minister may from time to time request the Committee to conduct a visit to a facility for the purposes of reporting to the Minister on any matter that the Minister may specify in his request.

8 If a complaint is made to the Committee by or on behalf of a person in a facility, the Committee shall investigate the care and treatment and the standards of accommodation received by that person or any other person in the facility.

9 For the purpose of carrying out a visit or an investigation under this Act the Committee may enter a facility at any reasonable hour.

10(1) The Committee, with respect to a visit or an investigation under this Act, is entitled to access to the records of the facility for the purpose of inspecting them, making copies of them or taking extracts from them.

(2) Subsection (1) does not apply to

(a) the financial records of the facility that relate to the operation of the facility, or

(b) the medical or clinical records of a person unless that person or his guardian gives his consent to those records being inspected.

11 Nothing in this Act shall be construed as empowering the Committee or other person acting under this Act to inquire into the financial affairs of the facility that relate to the operation of the facility.

12(1) The Committee may authorize

(a) a member of the Committee to carry out a visit or investigation on behalf of the Committee, or

(b) subject to the approval of the Minister, an employee of the Government under the Minister's administration to carry out a specific inquiry on behalf of the Committee in respect of a visit or investigation.

(2) When a member of the Committee or other person has carried out a visit, investigation, or specific inquiry on behalf of the Committee, that member or person shall report his findings to the Committee.

13(1) The Committee may designate

(a) a member of the Committee, or

(b) with the approval of the Minister, an employee of the Government who is under the administration of the Minister,

as a complaint officer.

(2) The complaint officer shall on behalf of the Committee

(a) make preliminary inquiries, or

(b) if directed to do so by the chairman of the Committee, make investigations

into complaints received under section 8 and report the results of the inquiry or investigation to the Committee.

(3) Members of the Committee at the request of the chairman of the Committee may assist the complaint officer in the carrying out of his duties.

14 A member of the Committee or an employee of the Government carrying out a visit, investigation or other matter on behalf of the Committee has the same powers that the Committee would have if it were carrying out the visit, investigation or other matter.

15(1) If the Committee, a member of the Committee or an employee of the Government acting on behalf of the Committee is refused entry to a facility for the purposes of conducting a visit or an investigation, the chairman of the Committee or a person designated by him may apply to the Court of Queen's Bench by originating notice for an order permitting the Committee, member or employee to

(a) enter the facility at any reasonable hour and conduct the visit or investigation, and

(b) require the production of any records of the facility, other than those referred to in section 10(2).

(2) An application under subsection (1) may be made ex parte, if the Court considers it proper to do so in the circumstances.

16(1) As soon as possible after the end of each year, the Committee shall prepare and submit to the Minister a report summarizing its activities in that year.

(2) On receiving a report under subsection (1), the Minister shall lay a copy of the report before the Legislative Assembly if it is then in session, and if not, within 15 days after the commencement of the next ensuing session.

17 This Act binds the Crown.